1943 K

File No. Agl Produce MkTs I/43

Legal Deptt-

B. **BRANCH**

Subject:— Rules and Notifications under the Bombay Agricultural Produce Markets Act 1939

C/P 2/E

File No. Agri Produce MkTs II/43

Gen. 194 e.

240-B.

Office of the R.L.A.

The draft notification at page 43 and the draft notification at page 45 as amended are in order.

2 It is not clear why the R.D.Notification at page 45 ante provides for a market proper for Karad market yard and a market proper for Umbraj market yard. It may be seen from rules 51 and 52 of the Bombay Agricultural Produce Markets Rules, 1941, that there may be several market yards in a given market area with a given market committee. But each market proper would be available for dealings in respect of the whold market area just as each market yard is. There seems therefore no point in allocating a market yard to its relevant market proper as proposed in the R.D.draft notification. The draft at page 39 ante sent by the Collector does not also allocate a market yard to its relevant market proper. No provision is therefore made in the revised draft for allocating a market yard to a market proper.

Id./.....

for Remembrancer of Legal Affairs.

U.R.to R.D.,No. 2471, dated the 5th April 1943.

SMR 12-7-56,
4 Copies.

Office of the R.L.A.

The Notification in question(pages 45-46 ante)is proposed to be issued under rule 51 of the Bombay Agricultural Produce Markets Rules, 1941. That rule empowers Government toissue a notification declaring--

(a) any enclosure, building or locality in any market are to be a market yard;

(b) any area, including all land with building thereon, within such distance of the market yard, as it thinks fit, to be a market proper.

Under this rule Government is given power to notify market yards and markets proper but there is no power given under the rule to allocate a particular market yard to a particular market proper. Rule 60 requires that all agricultural produce brought into the market shall pass through the market yards. "Market" has been defined as including a market proper and a market yard(see rule 2(viii)). All that the rule requires is that the agricultural produce brought into the market shall pass through the market yards. It does not require that the produce brought into the market shall pass through a particular market yard. It would not therefore be legally possible to allocate a particular market yard to a particular market proper. If for the reasons stated in the R.D.note at page 51 ante it is necessary to allocate a market yard to its relevant market proper an amendment of the rules will be necessary. The intended result can however be achieved by splitting the single market area into two market areas each having its own market yard and market proper. In other words two 'markets' with specified areas might be constituted at Karad and Umbraj, in place of the present market for the whole of the Karad taluka.

Id./..... 31/7

Remembrancer of Legal Affairs.

U.R. to R.D.,No. 6258, dated the 2nd August 1943.

SMR 12-7-56, 4 copies.